

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HENDERSON UNION ELECTRIC
COOPERATIVE CORP.

COMPLAINANT

v.

KENTUCKY UTILITIES COMPANY

DEFENDANT

CASE NO. 98-049

ORDER TO SATISFY OR ANSWER


Kentucky Utilities Company ("KU") is hereby notified that it has been named as defendant in a formal complaint filed on January 29, 1998, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, KU is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.


Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 10th day of February, 1998.

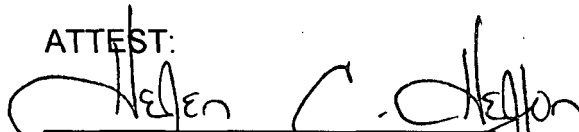
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

B.D.

COMMONWEALTH OF KENTUCKY
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RECEIVED

JAN 29 1998

PUBLIC SERVICE
COMMISSION

HENDERSON UNION ELECTRIC
COOPERATIVE CORP.

)
COMPLAINANT)

VS.

) CASE NO. 98-049

KENTUCKY UTILITIES COMPANY,

)
DEFENDANT)

C O M P L A I N T

The complaint of HENDERSON UNION ELECTRIC COOPERA-
TIVE CORP. respectfully shows:

(a) Henderson Union Electric Cooperative Corp.
("Henderson Union") is a corporation duly created under KRS 279.010
et seq. Its mailing address is Post Office Box 18, Henderson,
Kentucky 42419-0018.

(b) Kentucky Utilities Company ("KU") is a Kentucky
corporation with mailing address of One Quality Street, Lexington,
Kentucky 40507. KU's resident agent for service of process at this
address is George S. Brooks, II.

(c) Henderson Union and KU are both retail electric
suppliers as defined under KRS 278.010(4).

(d) Henderson Union and KU have adjacent service
territories in Hopkins County, Kentucky, certified under KRS
278.016 et seq.

(e) On information and belief complainant states and alleges that KU has entered into an electric service agreement with a corporation named Black Diamond Resources, Inc. for the retail sale of electrical power at a mine opening known as Shamrock No. 9 Mine Opening located in Hopkins County, Kentucky. This mine opening is located in Henderson Union's service territory by a considerable distance (approximately 3/4 of a mile) and the reasonable use of the power will be for facilities located exclusively within said service territory.

(f) Under KRS 278.016 to .018 and all other applicable law Henderson Union has the exclusive right to furnish electric consuming facilities located within its certified territory which includes the above mentioned mine opening and the related facilities. An order should be entered granting Henderson Union this service right and the defendant should be enjoined from furnishing service to Black Diamond Resources, Inc., or any other customer, at the Shamrock No. 9 Mine Opening.

WHEREFORE, Henderson Union requests:

1. That order be entered granting Henderson Union the exclusive right to provide electric service to Black Diamond Resources, Inc. or the appropriate customer at the Shamrock No. 9 Mine Opening in Hopkins County, Kentucky.
2. That defendant KU be enjoined from furnishing service to any customer at this mine opening.

3. That Henderson Union be afforded all proper relief.

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Electric Cooperative Corp.

By: _____

FRANK N. KING, JR.